

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DANIEL SMITH,

Plaintiff,

v.

TAMMY NIKULA, DENNIS CHERRY,  
PAT GLEBE, JOHN DOE, JANE DOE,

Defendants.

No. C12-5774 RBL/KLS

ORDER DENYING MOTION TO  
RESCIND ORDER STAYING  
DISCOVERY AND GRANTING MOTION  
FOR EXTENSION OF TIME

Before the Court are Plaintiff's motion to rescind prior order staying discovery and a motion for a 30 day extension of Plaintiff's deadline to file an amended complaint. ECF Nos. 21 and 23.

**DISCUSSION**

The Court stayed discovery in this matter pending resolution of the Defendants' motion to dismiss. ECF No. 15. On February 26, 2013, the Court issued its Order dismissing the Plaintiff's due process claims with prejudice and ordering the Plaintiff to file an amended complaint to cure the deficiencies and support his First Amendment (retaliation), Eighth Amendment (cruel and unusual punishment) and negligent supervision claims. ECF No. 17. Plaintiff was given a deadline of April 22, 2013 to file his amended complaint or face dismissal of the remaining claims. ECF No. 20.

Plaintiff has not yet submitted an amended complaint and now seeks a second extension of his deadline to do so based on continuing settlement negotiations between the parties. ECF No. 23.

1 Accordingly, it is **ORDERED**:

2 (1) Plaintiff's motion to rescind prior order staying discovery (ECF No. 21) is

3 **DENIED.**

4 (2) Plaintiff's motion for an extension (ECF No. 23) is **GRANTED**; Plaintiff shall  
5 file his Amended Complaint on or before **May 24, 2013**.

6 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for  
7 Defendants, and to the Hon. Karen L. Strombom.  
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10 **DATED** this 24th day of April, 2013.

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12 Karen L. Strombom  
13 United States Magistrate Judge  
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